

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 2a (adding previously omitted reference numbers 18 and 20); 2b (adding previously omitted reference numbers 18 and 20); 3a and 3b (adding previously omitted reference number 90); and 4a and 4b (adding previously omitted reference number 110 and correcting the remaining reference numbers to 111, 112, 113, 114, and 116 to correspond to the description in the specification).

Attachments: Replacement Sheets for Figs. 2a; 2b; 3a and 3b; and 4a and 4b.
Annotated Sheets Showing Changes to Figs. 4a and 4b.

REMARKS

Reconsideration of this application, as amended, is respectfully requested. A number of typographical and grammatical corrections have been made to the specification and the claims, but no new matter is introduced by these amendments. The independent claims have been amended to indicate that the first and second features in the inspected object do not overlap, even though the second feature is buried below the layer in which the first feature is found. Support for these amendments exists in the specification as filed, for example at paragraph 73 (of USPGPUB 2005/0089773) (page 12, lines 28-29 of the originally filed specification). Hence, no new matter is introduced by these amendments.

The present claims are patentable over the cited references. For example, it apparent from Figures 1a, 1b, 2a and 2b of Chen, US Patent 6,064,486, that the techniques described therein are directed to the use and detection of alignment marks where the first feature (using the Office action's definition of same as the trench or mesa formed over the alignment mark) overlaps the second feature. Hence, Chen cannot anticipate the subject matter presently claimed.

Hiroi, US Patent 6,172,365, is cited for purportedly teaching precharging of a sample surface. Even if true, the combination of Chen and Hiroi does not render the presently claimed invention obvious. First, the resulting combination still would not yield the subject matter presently recited in claims 1, 6, 11 and 15. Second, as to claims 5 and 10, it is not the surface of the wafer that is precharged, but instead the second feature (which is buried beneath at least the first layer). Hence, the present claims are patentable over the combination of Chen and Hiroi.

Sawahata, US Patent 6,501,077, is cited for teaching the detection of reflected electrons at low angles with respect to a sample under inspection. Even if true, the combinations of Chen, and Sawahata and/or Chen, Hiroi and Sawahata does not render the presently claimed invention obvious. For example, the resulting combination still would not yield the subject matter presently recited in claims 1, 6, 11 and 15. hence, the present claims are patentable over these references.

If there are any additional fees due in connection with this communication, please charge
Deposit Account No. 19-3140.

Respectfully submitted,
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Dated: January 14, 2008

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